

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES - GENERAL**

CASE NO.: CV 11-0718-RGK (PJW)

Date: December 12, 2011

TITLE: *Michele Kinser v. County of San Bernardino, et al.*

PRESENT:

HON. PATRICK J. WALSH, MAGISTRATE JUDGE

Celia Anglon-Reed
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF:

None

ATTORNEYS PRESENT FOR DEFENDANTS:

None

PROCEEDINGS: Order to Show Cause (In Chambers)

On October 11, 2011, the Court dismissed the Complaint and granted Plaintiff leave to amend and file a First Amended Complaint ("FAC"). (Docket Nos. 15, 17.) Plaintiff had until November 15, 2011 to file the FAC. (Docket No. 18.) She was warned that failure to file a timely FAC would result in dismissal of her case under Federal Rule of Civil Procedure 41(b). (Docket No. 18.) As of the date of this Order, Plaintiff has not filed a FAC. Plaintiff has until **January 15, 2012** to either file a FAC or explain to the Court why she cannot do so. Failure to comply with this Order will result in dismissal of the case under Federal Rule of Civil Procedure 41(b).

The Court further notes that Plaintiff stated in her opposition to Defendants' motion to dismiss that she was scheduled to be released from custody on October 14, 2011. (Opp. at 1.) Consistent with this, Plaintiff is no longer listed as an inmate on West Valley Detention Center's website. Plaintiff has not provided the Court with her current address, as she is required to do.¹ If Plaintiff is no longer

¹Local Rule 41-6 provides: "A party proceeding pro se shall keep the Court and opposing parties apprised of such party's current address and

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES - GENERAL**

incarcerated at West Valley Detention Center, she must provide the Court with her new address. Failure to do so will result in dismissal of her case under Federal Rule of Civil Procedure 41(b). See *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (per curiam) ("Failure to follow a district court's local rules is a proper ground for dismissal.").

CC:

Michele Kinser
Booking No. 1004342772
9500 Etiwanda Ave.
Rancho Cucamonga, California 91739

Risa Christensen
Wagner & Pelayes LLP
1325 Spruce St., Ste. 200
Riverside, California 92507

S:\PJWCases-Civil Rights\KINSER 0718\OSC_FAC.wpd

telephone number, if any, and e-mail address, if any. If mail directed by the Clerk to a pro se plaintiff's address of record is returned undelivered by the Postal Service, and if, within fifteen (15) days of the service date, such plaintiff fails to notify, in writing, the Court and opposing parties of said plaintiff's current address, the Court may dismiss the action with or without prejudice for want of prosecution."

**MINUTES FORM 90
CIVIL -- GEN**

Initials of Deputy Clerk CA